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(Please see signature page for complete list of parties represented.)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANDREA ESQUIVEL, et al.,

Plaintiffs,

vs.

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT, et al.,

Defendants.

) No.: CV 07 5709 MHP

) **DEFENDANTS' REQUEST FOR**  
) **JUDICIAL NOTICE; DECLARATION**  
) **OF JEFFREY BALL**

) Hearing:

) Date: April 21, 2008  
) Time: 2:00 p.m.  
) Crtrm.: 15

(The Honorable Marilyn H. Patel)

**REQUEST FOR JUDICIAL NOTICE**

Pursuant to Rule 201 of the Federal Rules of Evidence, defendants respectfully request that the Court take judicial notice in connection with defendants' motion to dismiss, filed herewith. Federal Rule of Evidence section 201(b) requires a judicially noticed fact to be one not subject to reasonable dispute and to be "generally known within the territorial jurisdiction of the trial court" or "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Defendants request that the Court take judicial notice of two resolutions passed by the San Francisco Board of Education, one in 1991 and one in 2007. These resolutions are legislative acts of the Board. The resolutions are verifiable with certainty and are of the same type of governmental documents that courts have judicially noticed. *See, e.g., Flickinger v. School Bd. of City of Norfolk, Va.*, 799 F. Supp. 586, 589 n.8 (court takes judicial notice of school board policies); *Jimenez v. Domino's Pizza, Inc.*, 238 F.R.D. 241 (C.D. Cal. 2006) (court takes judicial notice of California Labor Commission's orders and awards); *DeJulio v. Georgia*, 127 F. Supp. 2d 1274 (N.D. Ga. 2001) (court takes judicial notice of state legislature's internal rules).

Exhibit A is Resolution 18-13A6 "Policy on Non-Discrimination of Cooperating Organizations" adopted by the San Francisco Board of Education at its regular meeting of September 12, 1991. This document is verifiable with certainty, and is of the same type as other local government legislation which courts have judicially noticed.

Exhibit B is "Amendment of Resolution 65-23A1 to Extend JROTC as an Elective Course for the 2008-09 School Year" from the regular meeting of the San Francisco Board of Education, December 11, 2007. This document is verifiable with certainty, and is of the same type as other local government legislation which courts have judicially noticed.

1 Defendants respectfully request that this Court take judicial notice of the above  
2 documents pursuant to Rule 201 of the Federal Rules of Evidence.

3 Dated: March 14, 2008

Respectfully submitted,

4 ROBIN B. JOHANSEN  
5 THOMAS A. WILLIS  
6 REMCHO, JOHANSEN & PURCELL, LLP

7 By: /s/ Thomas A. Willis

Thomas A. Willis

8 Attorneys for Defendants San Francisco Unified  
9 School District, San Francisco Board of Education,  
10 City and County of San Francisco, Eric Mar, Mark  
11 Sanchez, Jane Kim, Kim-Shree Maufas, Norman  
Kelly and Sara Lipson

12 (00054253-2)

**DECLARATION OF JEFFREY BALL**

I, Jeffrey Ball, declare as follows:

1. I am a paralegal at Remcho, Johansen & Purcell. I submit this declaration in support of Defendants' Motion to Dismiss.
2. Attached as Exhibit A is a true and correct copy of Resolution 18-13A6 "Policy on Non-Discrimination of Cooperating Organizations" adopted by the San Francisco Board of Education at its regular meeting of September 12, 1991. I received a copy from the San Francisco Board of Education on March 13, 2008.
3. Attached as Exhibit B is a true and correct copy of "Amendment of Resolution 65-23A1 to Extend JROTC as an Elective Course for the 2008-09 School Year" from the regular meeting of the San Francisco Board of Education, December 11, 2007. I printed a copy from the San Francisco Board of Education website <<http://portal.sfusd.edu/data/board/pdf/memberreso/Special%20Order%20JROTC%20addendum%20%20%20%2012%2011%2007.pdf>> on March 13, 2008.

I declare under penalty of perjury that the foregoing is true and correct. I have firsthand knowledge of the same, and if called upon to do so, I could and would testify competently thereto. Executed this 14th day of March, 2008, in San Leandro, California.

  
JEFFREY BALL